

Public Chapter 456

HOUSE BILL NO. 759

By Representatives Jackson, Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Ralph Cole, Ronnie Cole, Cooper, Cross, Curtiss, Davidson, Davis, John DeBerry, Lois DeBerry, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Sherry Jones, Ulysses Jones, Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Brenda Turner, Larry Turner, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 1364

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 15 and Title 40, Chapter 35, Part 3, relative to persons convicted of or charged with certain sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-15-105, is amended by adding the following as a new subsection (a)(1)(B) and by relettering existing subsections (a)(1)(B) and (a)(1)(C) accordingly:

(B) Notwithstanding the provisions of this subsection to the contrary, no defendant, who is charged with committing a sexual offense, shall be eligible for suspension of prosecution as authorized by this chapter. As used in the preceding sentence, "sexual offense" means conduct which constitutes:

- (i) Aggravated rape, as described in § 39-13-502;
- (ii) Rape, as described in § 39-13-503;
- (iii) Aggravated sexual battery, as described in § 39-13-504;
- (iv) Aggravated prostitution, as described in § 39-13-516;
- (v) Aggravated sexual exploitation of a minor, as described in § 39-17-1004;
- (vi) Especially aggravated sexual exploitation of a minor, as described in § 39-17-1005;
- (vii) Rape of a child, as described in § 39-13-522; or

(viii) Attempt, as described in § 39-12-101, solicitation, as described in § 39-12-102, or conspiracy, as described in § 39-12-103, to commit any of the offenses enumerated herein.

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by designating the existing language of subsection (a)(1) as (a)(1)(A) and by adding the following new subsection (a)(1)(B):

(B) Notwithstanding the provisions of this subsection to the contrary, no defendant, who is found guilty of or pleads guilty to a sexual offense, shall be eligible for deferral of further proceedings and probation as authorized by this section. As used in the preceding sentence, "sexual offense" means conduct which constitutes:

(i) Aggravated rape, as described in § 39-13-502;

(ii) Rape, as described in § 39-13-503;

(iii) Aggravated sexual battery, as described in § 39-13-504;

(iv) Aggravated prostitution, as described in § 39-13-516;

(v) Aggravated sexual exploitation of a minor, as described in § 39-17-1004;

(vi) Especially aggravated sexual exploitation of a minor, as described in § 39-17-1005;

(vii) Rape of a child, as described in § 39-13-522; or

(viii) Attempt, as described in § 39-12-101, solicitation, as described in § 39-12-102, or conspiracy, as described in § 39-12-103, to commit any of the offenses enumerated herein.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.